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GOVERNMENT OF KERALA

Labour (A) Department

NOTIFICATION

G.O.MS. No. 62/75/LBR. *Dated, Trivandrum 14th August 1975.*

S. R. O. No. 712/75.—In exercise of the powers conferred by sub-section (1) of section 8 of the Kerala Agricultural Workers Act, 1974 (18 of 1974), the Government of Kerala hereby frame the following Scheme, namely:—

THE AGRICULTURAL WORKERS PROVIDENT FUND SCHEME, 1975

CHAPTER I

PRELIMINARY

1. *Short title, commencement and application.*—(1) This Scheme may be called the Agricultural Workers Provident Fund Scheme, 1975.

(2) It shall come into force or such date as the Government may, by notification in Gazette, appoint.

(3) It shall apply to all agricultural workers defined in section 2 (f) and all land-owners defined in section 2 (m) of the Act.

2. *Definitions.*—In this Scheme, unless the context otherwise requires,—

(a) "Act" means the Kerala Agricultural Workers Act, 1974 (Act 18 of 1974);

(b) "Calendar Year" means the year commencing on the first day of January;

(c) "Children" means legitimate children and includes adopted children if the Commissioner is satisfied that every such child is legally adopted under the personal law of the member;

(d) "Commissioner" means the Agricultural Workers Provident Fund Commissioner appointed under sub-section (1) of section 12;

(e) "Family" means:—

(i) In the case of a male member, his wife, children whether married or unmarried, dependent parents, the widow and children of a deceased son and the children of a deceased daughter of the member;

(ii) In the case of a female member, her husband, children, dependent parents, the widow and children of a deceased son and the children of a deceased daughter of the member fully dependent on the member:

Provided that if a female member, by notice to the Commissioner, expresses her desire to exclude her husband from the family, the husband shall no longer be deemed to be a part of the member's family for the purposes of this scheme unless the member subsequently cancels in writing any such notice.

(f) "Form" means a form appended to this Scheme;

(g) "Financial Year" means the year commencing on the first day of April;

(h) "Government Security" shall have the meaning assigned to it in the Public Debt Act, 1944 (Central Act 18 of 1944);

(i) "Provident Fund Officer" means the Agricultural Workers Provident Fund Officer appointed under sub-section (1) of section 12;

(j) "Register" means the register maintained by the Agricultural Workers' Provident Fund Commissioner in which the names of the agricultural workers are registered;

(k) "Registered Worker" means an agricultural worker whose name has been enrolled in the register;

(l) "Section" means a section of the Act;

(m) "State" means the State of Kerala.

CHAPTER II

THE AGRICULTURAL WORKERS' PROVIDENT FUND BOARD

3. *Constitution of Board.*—(1) The Board shall consist of the following members, namely:-

(a) Five Officials nominated by the Government of whom one shall be the Commissioner and three shall be Officers not below the rank of Joint Secretary to Government representing the Labour, Law and Finance Departments;

(b) Five persons representing landowners nominated by the Government;

(c) Five persons representing agricultural workers, nominated by the Government.

(2) One of the official members of the Board shall be appointed by the Government as its Chairman.

4. *Term of Office.*—The term of office of a member of the Board shall be three years commencing on the date on which his appointment is notified in the Gazette:

Provided that a member shall, notwithstanding the expiry of the said period of three years, continue to hold office until the appointment of his successor is notified in the Gazette.

5. *Removal of members of Board.*—(1) Notwithstanding anything contained in this Scheme, the Government may remove from office any member other than an official member, if in their opinion such member has ceased to represent the interests which he purports to represent in the Board or if the Government are satisfied that any such member has acted against the implementation of the Act or the rules or this Scheme or against the due discharge of the functions of the Board.

(2) The Government may remove any official member from office without assigning any reason.

6. *Filling up of casual vacancies.*—A member appointed to fill a casual vacancy shall hold office for the remaining period of the term of office of the member in whose place he is appointed.

7. *Resignation.*—Any member may resign his office by letter in writing addressed to the Government and his office shall fall vacant from the date on which his resignation is accepted by the Government.

8. *Cessation of membership.*—If a non-official member fails to attend three consecutive meetings of the Board without obtaining the permission of the Chairman, he shall cease to be a member;

Provided that the Government may restore him as a member if they are satisfied that there were reasonable grounds for not attending the meetings:

Provided further that the Chairman or an official member shall not absent himself from any meeting of the Board without the permission of the Government.

9. *Disqualification.*—(1) A person shall be disqualified for being appointed as, or for being, a member of the Board:-

(a) If he is declared to be of unsound mind; or

(b) If he is an undischarged insolvent; or

(c) If, before or after the commencement of the Act, he has been convicted for an offence involving moral turpitude or for any offence under the Kerala Agricultural Workers Act, 1974; or

(d) If he has acted against the implementation of the Act or the rules made thereunder or this Scheme or against the due discharge of the functions of the Board.

(2) If any question arises as to whether any person is disqualified under sub-paragraph (1) it shall be referred to the Government by the Agricultural Workers' Provident Fund Commissioner and the decision of the Government on any such question shall be final.

10. *Meetings.*—The Board shall ordinarily meet once in three months: Provided that within 15 days of the receipt of a requisition in writing from not less than one-third of the members of the Board, the Chairman shall call a meeting thereof.

11. *Notice of meeting and list of business.*—Notice of not less than fifteen days from the date of posting, containing the date, time and place of every meeting together with a list of business to be conducted at the meeting shall be despatched by registered post or by special messenger to each member of the Board:

Provided that the Chairman may call a meeting for consideration of any matter which in his opinion is urgent by giving not less than five days notice as he considers necessary.

12. *Chairman to preside at meetings.*—The Chairman shall preside at every meeting of the Board at which he is present and if the Chairman is absent at any time the members present shall elect one to preside over the meeting and the member so elected shall exercise all the powers of the Chairman at the meeting.

13. *Quorum.*—(1) No business shall be transacted at a meeting of the Board unless at least seven members are present of whom at least two each shall be from each of the categories nominated under clauses (a), (b) and (c) of sub-paragraph (1) of paragraph 3.

(2) If at any meeting the number of members present is less than the required quorum, the Chairman shall adjourn the meeting to a date not later than seven days from the date of the original meeting informing the members of the date, time and place of the adjourned meeting, and it shall thereupon be lawful to dispose of the business at such adjourned meeting irrespective of the number of members present.

(3) A notice in writing of the date, time and place of the adjourned meeting shall be sent to the members who were not present at the first meeting.

14. *Absence from State.*—If any member leaves the State for a period of six months or more without intimation to the Chairman, he shall be deemed to have resigned from the Board.

15. *Time and place of meeting.*—Except in the case of an adjourned meeting under sub-paragraph (2) of paragraph 13, every meeting of the Board shall be held at the place and time specified in the notice of the meeting issued under paragraph 11.

16. *Disposal of business.*—Every question considered at a meeting of the Board shall be decided by a majority of the votes of the members present and voting and in the event of an equality of votes the Chairman shall have and exercise a casting vote.

17. *Minutes of meetings.*— (1) Every decision taken at a meeting of the Board shall be recorded in a Minutes Book at the same meeting and signed by the Chairman. The Minutes Book shall be a permanent record.

(2) The minutes of every meeting of the Board showing, *inter-alia,* the names of members present thereat shall be circulated to all the members present in the State, not later than fiften days from the date of the meeting.

18. *Acts of the Board not invalid by reason merely of any vacancy in or defect in the constitution, etc.*—No act or proceedings of the Board shall be deemed to be invalid by reason merely of any vacancy in, or any defect in the constitution of the Board.

19. *Fees and allowances.*—(1) Travelling allowanses of an official member shall be governed by the rules applicable to him for journey performed on official duties and shall be paid by the authority paying his salary and claimed later by the member from the Fund and remitted to Government.

(2) Every non-official member other than the members mentioned in sub-paragraph (3) and (4) shall be paid travelling allowance and daily allowance for attending meetings of the Board at such rates as are admissible to Grade I officers of the Government of Kerala.

(3) Every member who, being a member of the State Legislative Assembly, attends a meeting of the Board shall be entitled to such travelling allowances as are admissible under provisions of the Payment of Salaries and Allowances Act, 1951.

(4) Every member who, being a member of either House of Parliament, attends a meeting of the Board shall be entitled to travelling allowances as are admissible to the members of Parliament.

20. *Appointment of Sub Committees.*—The Board may appoint, with the prior approval of the Government, such sub-committees as it may deem fit for the proper discharge of its duties and the members of such sub-committees shall be allowed travelling allowances and daily allowances at the rates and subject to the conditions specified in paragraph 19.

21. *Opening of divisional and local offices.*—The Board may with the prior approval of the Government or when directed by the Government open such divisional and local offices as it may consider desirable for the purpose of implementation of the Scheme and may also define the functions and duties of the divisional and local offices.

22. *Functions and duties of the Board.*—(1) Subject to the provisions of this Scheme, the Board shall be responsible for the administration of the Fund

(2) In particular, and without prejudice to the generality of sub-paragraph (1), the Board shall be responsible for—

(a) the expeditious recovery of contributions to the Fund and other charges;

(b) the expeditious disposal of prosecutions;

(c) the speedy settlement of claims;

(d) the annual rendering of the accounts to the members of the Fund;

(e) the speedy sanction of advances.

(3) The Board shall advise the Government on such matters as the Government may refer to it from time to time.

(4) The Government may call for such reports and returns as may think fit from the Board and it shall be the duty of the Board to furnish such reports and returns.

23. *Secretary to the Board.*—(1) The Commissioner shall be the Secretary to the Board.

(2) The Secretary to the Board shall, with the approval of the Chairman, issue notice to convene meetings of the Board and shall keep the records of the minutes of such meetings and take necessary steps for carrying out the decisions of the Board.

Chapter III

APPOINTMENT AND POWERS OF THE AGRICULTURAL WORKERS PROVIDENT FUND COMMISSIONER AND OTHER STAFF OF THE BOARD

24. *Agricultural Workers Provident Fund Commissioner.*—(1) The Government may appoint such officer as they think fit to be, the Agricultural Workers Provident Fund Commissioner, who shall also be the Chief Executive Officer of the Board.

(2) The Government may also appoint as many Provident Fund Officers as they may consider necessary to assist the Commissioner.

(3) The Commissioner shall not undertake any work not connected with his office without the previous sanction of the Government.

25. *Administrative and Financial powers of Commissioner.*—(1) The Commissioner may, without reference to the Board, sanction expenditure on contingencies, supplies and services and purchases of articles, required for administering the Fund subject to the limits upto which he may be authorised to sanction expenditure on any single item from time to time by the Board with the approval of the Government.

(2) The Commissioner may also exercise such administrative and financial powers other than those specified in sub-paragraph (1) as may be delegated to him, from time to time, by the Board with the approval of the Government.

(3) The Commissioner may delegate from time to time his Administrative and Financial powers to any officers under his control and superintendence to the extent considered suitable by him for the administration of the Scheme.

(4) A statement of any delegation made by the Commissioner under sub-paragraph (3) shall be placed before the next meeting of the Board for information.

Chapter IV

26. *Membership and contribution.*—Every agricultural worker in an area shall be entitled and required to be a member of the Fund from the date on which section 9 of the Act is brought into force in that area.

27. *Decision of disputes.*—If any question arised as to whether an agricultural worker is entitled or required to become or continue as a member of the Fund or as regards the date from which he is so entitled or required, the question shall be referred to the Commissioner whose decision thereon shall be final:

Provided that no such decision shall be made unless both the landowner and the agricultural worker have been given an opportunity of being heard.

28. *Deduction of contribution payable by agricultural workers.*—(1) The landowner shall deduct the contribution to the Fund payable by the agricultural worker from the wages payable to him for each day:

Provided that where no such deduction has been made on account of an accidental mistake or a clerical error, such deduction may, with the consent in writing of the Provident Fund Officer, be made from the subsequent wages in easy instalments as determined by such officer.

(2) Deductions made from the wages of a member of the Fund shall be totalled up to indicate the monthly deductions.

(3) Any sum deducted by a landowner from the wages of an agricultural worker shall be deemed to have been entrusted to him for the purpose of paying the contribution for the payment of which such sum was deducted.

29. *Remittance of contribution.*—(1) It shall be the responsibility of the landowner to remit the contribution payable by himself and the contributions deducted from the wages of the agricultural worker under sub-paragraph (1) of paragraph 28.

(2) Each contribution shall be calculated to the nearest 10 paise, 5 paise or more being counted as 10 paise and less than 5 paise being ignored.

(3) The contributions payable for a month shall be remitted before the 10th of the succeeding month.

30. *Landowner's share not to be deducted from wages.*—Notwithstanding any contract to the contrary, the landowner shall not be entitled to deduct the contribution payable by him from the wages of a member of the Fund or otherwise to recover it from such wages.

31. *Amounts to be remitted to Panchayats.*—(1) The contributions required to be remitted by a landowner under paragraph 29 shall be paid to the executive authority of the Panchayat within whose jurisdiction the land in respect of which the contributions are payable is situated.

(2) The executive authority shall deposit the amount received by it under sub-paragraph (1) to the credit of the Fund in the Kerala State Co-operative Bank or in the District Co-operative Bank of the district in which the land is situate or in any nationalised bank or in the State Bank of India or any of its subsidiary banks, within fourteen days of the receipt of the contributions by it.

32. *Statement to be furnished by Executive authority.*—(1) The executive authority shall furnish a fortnightly statement of the contributions received and deposited by it to the Provident Fund Officer or Provident Fund Officers having jurisdiction over the area in which the lands in respect of which the contributions are payable are situate.

(2) A copy of the statement under sub-paragraph (1) shall be furnished to the Board.

33. *Board may withdraw contributions deposited by executive authority.*—The Board may from time to time, withdraw the contributions deposited by the executive authority under sub-paragraph (2) of paragraph 31 and invest them in accordance with the provisions of paragraph 42.

CHAPTER V

REGISTRATION OF CONTRIBUTION, RECORDS, RETURNS, ETC.

34. *Registration.*—(1) Every agricultural worker who is entitled to be a member of the Fund shall register his name as such member in the register maintained by the Commissioner for the purpose.

(2) A registered member of the Fund shall continue to be such until the amount standing to his credit is paid off.

35. *Termination of employment to be intimated to Commissioner.*—Where the employment of a registered member of the Fund is terminated by the landowner or where such a member obtains employment in the service of another landowner, such member shall intimate the date of such termination or the date of joining the employment in the service of the other landowner to the Commissioner or any other officer authorised by the Commissioner, within one month from the date of such termination or the date of joining the new employment.

36. *Declaration by agricultural Workers.*—(1) Every agricultural worker who is required or entitled to be registered in the register shall within fifteen days from the commencement of this scheme, furnish to the Commissioner a declaration in Form I.

(2) On receipt of a declaration under sub-paragraph (1), the Commissioner shall cause the particulars therein to be verified by the Provident Fund Officer.

37. *Duties of land owners.*—(1) Every land owner shall furnish to the Commissioner, within 15 days of the commencement of this Scheme, a consolidated return in Form II:

Provided that where there is no agricultural worker who is required or entitled to become a member of the Fund, the land owner shall send a Nil return.

(2) Every land owner shall send to the Commissioner within 15 days of the close of each month a return in Form III.

(3) On receipt of a return under sub-paragraph (1) or sub-paragraph (2), the Commissioner shall cause the particulars contained therein to be verified by the Provident Fund Officer.

38. *Companies etc., to furnish particulars of ownership.*—Where the agricultural workers to whom the provisions of this Scheme apply are employed by a Company or agency, the person having the ultimate control over the affairs of such company or agency shall furnish, within fifteen days of the commencement of this Scheme, to the Commissioner in Form IV particulars of all branches, owners, occupiers, directors, partners, manager or any other person or persons who have the ultimate control over the affairs of such agricultural lands and also send intimation of any change in such particulars within fifteen days of such change to the Commissioner by registered post and in such other manner as may be directed or specified by the Commissioner.

39. *Allotment of account number.*—(1) After verification of the particulars contained in the declarations under paragraph 36, the Commissioner shall promptly enter the names of the agricultural workers in the register of members and allot an account number to each agricultural worker qualifying to become a member and shall communicate the account number of the member to the member and the landowner.

(2) The amount of contribution paid in respect of each agricultural worker shall be entered by the land owner every month in the register in Form 8 prescribed under the Kerala Agricultural Workers Rules, 1975.

40. *Production of records for inspection by Commissioner or Provident Fund Officer.*—Every landowner shall, whenever the Commissioner or any other officer authorised by him in this behalf or a Provident Fund Officer so requires either in person or by notice in writing, produce before the Commissioner or such Officer, as the case may be, the records of any member employed by him, and, if so required by the Commissioner or such officer, every landowner, shall deliver such records to him, who may, if he thinks fit, retain any records after granting a receipt therefor.

Chapter VI

ADMINISTRATION OF FUND, ACCOUNTS AND AUDIT

41. *Provident Fund Account.*—The aggregate amount received as the landowners and agricultural workers' contributions to the Fund shall be credited to an account to be called the "Agricultural Workers Provident Fund Account."

42. *Deposit and investment of moneys belonging to the Agricultural Workers Provident Fund.*—(1) All moneys belonging to the Fund shall be invested in such manner as may be specified by the Government.

(2) All expenses incurred in respect of, and loss, if any, arising from, any investment shall be charged to the Fund.

(3) The Commissioner shall prepare in Form V a classified summary of the assets of the Fund as on the fifteenth day of March each year, or on such other date or dates as the Government may specify and shall append it to

the annual report to be submitted by him to the Government under this Scheme.

43. *Utilisation of Fund.*—(1) Subject to the provisions of the Act and this Scheme, the Fund shall not except with the previous sanction of the Government, be expended for any purpose other than the payments to individual members of the Fund or to their nominees or heirs or legal representatives in accordance with the provisions of this Scheme.

(2) The Fund shall be operated upon by such officers as may be authorised in this behalf by the Government.

44. *Expenses of administration.*—(1) All expenses of administration of the Fund including the fees and allowances payable to the members of the board, salaries, leave and joining time allowance, travelling and compensatory allowances, gratuities, compassionate allowances, pension, contribution to the provident fund and other benefit funds instituted for the officers and employees of the Board, the cost of audit of accounts, legal expenses and cost of all stationery and forms incurred in respect of the Board and all expenses incurred in connection with the construction of office buildings shall be met from the administration account of the Fund.

(2) All expenses relating to the administration of the Fund shall be met from that part of the Fund earmarked as Administration Account.

(3) A portion of the Fund not exceeding five per cent of the total of the contribution realised or expected to be realised each year as may be decided by the Board with the previous approval of the Government shall be set apart as Administration Account of the Fund.

(4) The expenses incurred by the Government in connection with the establishment of the Fund shall be treated as loan and such loan shall be repaid from the Administration Account.

45. *Maintenance of Fund.*—The accounts of the Fund including the Administration account shall be maintained by the Commissioner in such form and manner as may be specified by the Board with the previous approval of the Government.

46. *Audit.*—(1) The accounts of the Fund including the Administration Account shall be audited in accordance with the instructions issued by the Government.

(2) The charges on account of audit shall be paid out of the Administration Account.

47. *Budget.*—(1) The Commissioner shall place before the Board each year in the first fortnight of January, a budget showing the probable receipts from the contribution and the expenditure which it proposes to incur during the following financial year.

(2) The budget as approved by the Board shall be submitted for sanction to the Government within a month of its being placed before the Board.

(3) The Government may make such modifications in the budget as it considers desirable before sanctioning it.

(4) The Commissioner may, at any time during the year, make budgetary reappropriation of funds sanctioned in the budget by the Government:

Provided that—

(a) the total amount sanctioned in the budget by Government is not exceeded; and

(b) the funds so reappropriated are utilised only for meeting such expenses of administration as are to be met from the Administration Account.

(5) Every reappropriation made shall be reported by the Commissioner to the Government and to the Board.

48. *Member's Account.*—(1) An account shall be opened in the Office of the Commissioner in the name of each member, in which shall be credited—

(a) his contribution;

(b) the contribution made by the landowner in respect of him; and

(c) interest as provided in paragraph 49.

(2) All items of accounts shall be calculated to the nearest quarter of a rupee, 12.5 paise or more being counted as the next higher quarter of a rupee and fraction of a rupee less than 12.5 paise being ignored.

49. *Interest.*—(1) The Commissioner shall credit to the account of each member interest at such rates as may be determined by the Board from time to time with the prior approval of the Government.

(2) Interest for the period of the currency of the account shall be allowed on the balance to the credit of the member on the thirty-first day of March each year.

Chapter VII

NOMINATIONS, PAYMENT AND WITHDRAWAL FROM THE FUND

50. *Nomination.*—(1) Each member of the Fund shall make in his declaration in Form I a nomination conferring the right to receive the amount that may stand to his credit in the Fund in the event of his death.

(2) A member may, in his nomination, specify the proportion in which the amount that may stand to his credit in the Fund shall be payable amongst his nominees.

(3) If a member has a family at the time of making nomination, the nomination shall be in favour of one or more persons belonging to his family and any nomination made by such member in favour of a person not belonging to his family shall be invalid.

(4) If at the time of making a nomination, the member has no family, the nomination may be in favour of any person or persons but if the member subsequently acquires a family, the first nomination shall forthwith be deemed to be invalid and the member shall make a fresh nomination in favour of one or more persons belonging to his family.

(5) A nomination made under sub-paragraph (1) may at any time be modified by a member, after giving a written notice of his intention of doing so in Form I.

(6) If a nominee pre-deceases the member, the interest of the nominee shall revert to the member who may make a fresh nomination in respect of such interest.

51. *Advance from Fund for purchase or construction of dwelling houses or dwelling sites.*—(1) The Commissioner may, on an application from a member, sanction from the amount standing to the credit of the member in the Fund, an advance of an amount not exceeding Rs. 2000 or 75 per cent of the amount standing to the credit of the member in the Fund, whichever is less, for the construction of a dwelling house, or for purchasing a dwelling house or dwelling site outright or on hire purhchase basis from the Government or a co-operative society or institution:

Provided that, a member desiring to take an advance for purchasing a dwelling house on hire purchase basis, shall authorise the Commissioner in writing in such form as may be prescribed by the Commissioner to make withdrawals from his Provident Fund account for the purpose of paying the amount of hire purchase instalments every year direct to the Government, or as the case may be, to the co-operative society or institution.

(2) Where a dwelling site is to be acquired or houses are to be constructed by a co-operative society on behalf of its members with a view to their allotment to the members, the Commissioner may, on an application from any such member who is also a member of the Fund, sanction an advance subject to the limitation prescribed in sub-paragraph (1) and pay the amount direct to the said society to the account of the member.

(3) No advance under this paragraph shall be sanctioned unless a member has completed five years membership of the Fund and unless the amount standing to his credit in the Fund is seven hundred and fifty rupees or more.'

(4) Where an advance is sanctioned for the construction of a dwelling house, the construction shall be completed within six months of the withdrawal of the amount.

(5) Where an advance is sanctioned for the purchase of a dwelling house or dwelling site, the purchase shall be completed within one month of the withdrawal of the amount or within such further time as may be granted by the Commissioner:

Provided that this sub-paragraph shall not be applicable in case of purchase of a dwelling house on hire purchase basis.

(6) No advance shall be sanctioned to a member for the construction of a dwelling house unless the site on which the dwelling house is proposed to be constructed is owned by such member:

Provided that such advance may be sanctioned for construction of a dwelling house on a site jointly owned by the member and his or her spouse if his or her spouse is also an agricultural worker and the spouse has also applied for such an advance for constructing a dwelling house on that site.

(7) If the Commissioner is satisfied that the advance granted under this paragraph has been utilised for a purpose other than that for which it was granted, or that the conditions of the advance, has not been fulfilled, or that there is a reasonable apprehension that they will not be fulfilled wholly or partly, he shall forthwith take steps to recover the amount due with interest thereon at such rate as may be fixed by the Board in consultation with the Government from the member as if it were an arrear of public revenue due on land.

(8) When any advance granted under this paragraph is found to have been not used for the purpose for which it was granted, no further advance shall be granted to the member.

52. *Advance from Fund to be non-refundable.*—The advances made under paragraph 51 shall be non-refundable.

53. *Withdrawal of full amount.*—(1) A member may withdraw the full amount standing to his credit in the Fund.

(a) on attaining the age of sixty-five years in the case of men workers and sixty years in the case of women workers; or

(b) when the member permanently ceases to be an agricultural worker;

Note:—For the purposes of this Scheme, if any doubt arises as to whether a member has permanently ceased to be an agricultural worker the decision of the Board shall be final.

54. *Payment of accumulation of deceased member.*—On the death of a member before payment has been made—

(i) if a nomination made by the member in accordance with this Scheme subsists, the amount standing to his credit in the Fund or that part thereof to which nomination relates shall become payable to his nominee or nominees in accordance with such nomination; or

(ii) if no nomination subsists or if the nomination relates only to a part of the amount standing to his credit in the Fund, the whole amount or the part thereof to which the nomination does not relate, as the case may be, shall become payable to the legal heirs of the deceased member.

55. *Payment of amount to be made promptly.*—(1) If any portion of the amount which has become payable is in dispute or doubt, the Commissioner shall make prompt payment of that portion of the amount in regard to which there is no dispute or doubt, the balance being adjusted, as soon as may be possible.

(2) If the persons to whom any amount is to be paid under this Scheme is a minor or a lunatic for whose estate a guardian under the Guardians and Wards Act, 1890 (Central Act 8 of 1890) or a manager under the Indian Lunacy Act, 1912 (Central Act 4 of 1912), as the case may be, has been appointed, the payment shall be made to such guardian or manager and in any other case, the amount shall be paid to the person authorised by law to receive the payment on behalf of the minor or the lunatic.

56. *Mode of Payment.*—Any person who desires to claim payment under paragraph 53 or paragraph 54 shall send a written application to the Commissioner, who may at the option of the person to whom payment is to be made. make the payment by money order at the cost of the payee, or, by crossed cheque sent through post or by deposit in the payees Postal Savings Bank Account, if any.

57. *Enquiry by Commissioner.*—(1) The Commissioner, on receipt of an application under paragraph 56, without loss of time make such enquiries as he may deem fit and make prompt payment of the whole amount or balance thereof after any deduction as provided in this Scheme.

(2) In case there is no nominee in accordance with this Scheme, the Commissioner shall, after appropriate enquiry, pay such amount to the legal heirs.

58. *Claim in respect of supplementary contribution.*—(1) The following amounts shall be transferred to an account to be called "Unclaimed Deposit Account" to be separately maintained:—

(i) any amount becoming due to a member as a result of supplementary contribution from the employer in respect of arrears of wages;

(ii) instalment of arrear contribution received in respect of a member whose claim has geen settled on account but which could not be remitted for want of latest address;

(iii) accumulation in respect of any member who has ceased to be an agricultural worker or dies, but no claim has been preferred within a period of three years from the date it becomes payable;

(iv) any amount remitted to a person, received back undelivered and not claimed again within a period of three years from the date it becomes payable.

(2) Payments allowed on claims for the amounts mentioned in sub-paragraph (1) shall be made by debit to the Unclaimed Deposit Account.

59. *Statement of Contribution to be sent.*—(1) As soon as possible after the close of each financial year, the Commissioner shall send to each member a statement of his account in the Fund showing the opening balance at the beginning of the period, the amount contributed during the year, the total amount of interest credited during the year, the total amount of interest credited at the end of the period or debited during the period and the closing balance at the end of the period.

(2) Members should satisfy themselves as to the correctness of the annual statement and any error should be brought to the notice of the Commissioner within one month of the receipt of the statement.

Chapter IX

MISCELLANEOUS

60. *Annual report on the working of Scheme.*—The Board shall approve before the 15th day of June each year and submit to the Government before the 31st day of July each year a report on the working of the scheme during the previous financial year.

61. *Issue of copies of members' accounts, annual reports, etc.*—The Commissioner shall on written application by any landowner or member of the Fund and on payment of such fees and subject to such conditions as may be specified by the Board in this behalf, furnish to him copies of the register and of the annual reports of the fund so far as they relate to the applicant.

62. *Recovery of moneys.*—If any amount is due from a landowner or an agricultural worker under the provisions of this Act or this scheme, the Commissioner or an Officer of the Board authorised by the Commissioner after due enquiry, shall ascertain the amount of arrears and shall issue a certificate for that amount to the Collector of the district and such Collector shall thereupon proceed to recover the same in the same manner as arrears of public revenue due on land.

63. *Conduct of business.*—(1) All orders and other instruments shall be made and executed in the name of the Board and shall be authenticated by such persons and in such manner as the Board may specify.

(2) All contracts and assurances of properties shall be expressed to be made by the Board and shall be executed on behalf of the Board by the Commissioner.

64. *Conditions of service, etc. of Officers working under the Board.*—The conditions of service of officers working under the Board shall be such as may be prescribed by the Board with the previous approval of the Government.

By order of the Governor,

U. MAHABALA RAO,
Secretary to Government.

AC/No. . . . .

FORM—I

AGRICULTURAL WORKERS PROVIDENT FUND SCHEME 1975.

Declaration and Nomination Form

[*See* Paragraphs 36 (1) 50 (1) and 50 (5)]

1. Name (In block letters):
2. Surname:
3. Sex:
4. Religion:
5. Father's/Husband's name:
6. Marital status:
   (Whether married, unmarried, widow or widower)
7. Date of birth; Day Month Year
8. Permanent address:
   Village Taluk Panchayat
   Municipality or Corporation
   Post Office:
9. Name(s) of landowner(s) under whom employed.

I declare that I hereby nominate the person(s) mentioned below to receive the amount standing to my credit in the Fund, in the event of my death before that amount has become payable, or having become payable has not been paid and direct that the said amount shall be distributed among the said persons in the manner shown below against their names:

Name and address of nominee or nominees	*Nominee's relation with the member*	*Age of the nominee*	*Amount or share of accumulation in the fund to be paid to each nominee*
(1).	(2)	(3)	(4)

I hereby direct that in the event of my death during the minority of my abovenamed nominee(s), the persons whose particulars are given below shall be deemed to be the guardian of the minor nominee(s) for the purposes of the Agricultural Workers Provident Fund Scheme, 1975.

Name and address of the guardian	*Age of the guardian*	*Relationship of the guardian with the member*
(1)	(2)	(3)

Delete if not necessary.

1. Certified that I have no family as defined in para 2 (e) of the Agricultural Workers Provident Fund Scheme, and should I acquire a family hereafter, the above nomination should be deemed as cancelled.

2. Certified that my father/mother is dependent on me.

Signature or left/right hand thumb impression of member (*)

Certified that the above declaration has been signed/thumb impressed by Sri/Smt ....employed in my agricultural land before me after he has read the entries or the entries have been read over to him by me.

Signature of the landowner or his/ authorised representative, with name and address:

1.

2.

3.

4.

5.

etc.

Dated:

(*) Left hand impression in the case of illetrate male member and right hand thumb impression in the case of female member.

FORM—II

[*See* paragraph 37(1)]

Name of the land owner and address	*Survey No.(s) of the land(s) held*	*District/Taluk/Village*	*Panchayat, Municipality or Corporation in which the land is situated*	*Names of workers employed*	*Rate of wages payable*	*Particulars of premises where the registers prescribed under the Act are kept*
(1)	(2)	(3)	(4)	(5)	(6)	(7)

To

The Agricultural Workers Provident Fund Commissioner.

Signature of land owner

Date:

FORM—III

Monthly Consolidated Statement

[*See* paragraph 37 (2)]

Name of land owner and address	*Name of worker employed*	*P. F. Number*	*Rate of wages*	*No. of days of daily attendance in the month*	*Wages paid including overtime wages*	*5% of wages paid*	*Amount remitted*	*Remittance particular (document—receipt etc. which remittance by is made is to be shown)*
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)

To

The Agricultural Workers' Provident Fund Commissioner.

Signature of Land Owner

Date:

FORM—IV

Agricultural Workers Provident Fund Scheme 1975

(*Paragraph* 38)

Return of ownership to be sent to the Agricultural Workers Provident Fund Commissioner

*1. Name of the landowner:

2. Postal address:

3. Nature of ownership/Proprietorship/cultivating tenancy/Actual possession/Partnership/Company etc.

4. Name of the occupier of the agricultural land:

5. Postal address of the occupier:

6. Name of the Proprietor (owner)/occupier/cultivating tenant/possessor/partner/Managing Director/Director/Manager:

7. Postal address of the Proprietor/Cultivating tenant/Possessor/Partner/Managing Director/Director/Manager:

8. Name of address of the person(s) responsible for managing the agricultural land

*If the landowner is a company or agency, the particulars of the branch also should be furnished.

FORM—V

Agricultural Workers Provident Fund Scheme 1975

[*See Paragraph* 42 (3)]

Classified summary of the assets of the Agricultural Workers' Provident Fund for the year.............................

Class of Assets	*Book value as per (a) below*	*Market value as on.... as per (b) below*	*Remarks as per (c) below*
(1)	(2)	(3)	(4)

The summary will show:

(a) The value for which credit is taken in the accounts for each of the abovementioned classes of assets.

(b) The market value of such of the abovementioned classes of assets as has been ascertained from published quotation.

(c) How the value of such of the abovementioned classes of assets as has not been ascertained from published quotation has been arrived at.

Signature of the Agricultural Workers' Provident Fund Commissioner.

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Government of Kerala
1975

Reg. No. KL/TV/12.

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GOVERNMENT OF KERALA

Labour (A) Department

NOTIFICATION

G.O. (MS.) No. 63/75/LBR. *Dated, Trivandrum, 14th August 1975.*

S. R. O. No. 713/75.—In exercise of the powers conferred by section 47 of the Kerala Agricultural Workers Act, 1974 (18 of 1974), the Government of Kerala hereby make the following rules, namely:—

THE AGRICULTURAL WORKERS RULES, 1975

PRELIMINARY

1. *Short title.*—These rules may be called the Kerala Agricultural Workers Rules, 1975.

2. *Definitions.*—In these rules, unless the context otherwise requires,—

(a) "Act" means the Kerala Agricultural Workers Act, 1974 (18 of 1974);

(b) "Calendar year" means the year commencing on the first day of January;

(c) "Commissioner" means the Agricultural Workers Provident Fund Commissioner appointed under sub-section (1) of section 12;

(d) "Form" means a form appended to these rules;

(e) "Landowner" include the Central Government and any State Government;

(f) "member" means a member of the Board;

(g) "Provident Fund Officer" means a Provident Fund Officer appointed under sub-section (1) of section 12;

(h) "Scheme" means the Agricultural Workers Provident Fund Scheme framed under the Act;

(i) "Section" means a section of the Act.

PART I

INSPECTION

Rules under Section 5 (2)

3. *Manner of inspection of premises by Inspectors.*—(1) An Inspector making an inspection under sub-section (2) of section 5 shall make such examination of the premises or places where agricultural workers are employed or where he has reason to believe that any record is kept, and of the prescribed registers, records and notices as may appear to him necessary for the purpose of satisfying himself that the provisions of the Act and of these rules and any orders passed by the Government under the Act are being properly complied with.

(2) In particular, the Inspector shall satisfy himself:—

(i) that the registers and records required to be maintained under the Act or these rules are properly maintained;

(ii) that the intervals for rest required to be granted under the Act are granted and that the limits of hours of work laid down under the Act are not exceeded;

(iii) that the provisions of the Act relating to payment for overtime work are duly complied with;

(iv) that no child or adolescent is allowed to work in an agricultural land for more than six hours in any day;

(v) that the provisions of the Act in respect of wages payable to the agricultural workers or any orders issued by the Government in respect thereto are duly complied with.

4. *Powers of Inspectors.*—An Inspector shall, for the purpose of carrying out the purposes of the Act have power to do all or any of the following acts, namely:—

(a) to interrogate such persons on the agricultural land premises where the prescribed registers and records are maintained, as he may deem necessary, provided that no such person shall be

required under this rule to answer any question in such a way as to incriminate him;

(b) to inspect any agricultural land and any building or room thereon or any appliances, implements, registers or records found in or used for the purposes of the land, building, room, appliances implements, registers or records which are under use in any agricultural land;

(c) to prosecute, conduct or defend before any court any compliant or other proceeding arising under the Act or these rules or in discharge of his duties as an Inspector;

(d) to require any land owner to furnish any prescribed return or information relating to the provisions of the Act or of these rules at a place and time specified by him; and

(e) to exercise such other powers necessary for carrying out the purposes of the Act and these rules.

PART II

Rules under Section 11 (3) and Section 11 (5)

5. *Constitution of the Agricultural Workers Provident Fund Board.*—(1) The Board shall consist of the following members, namely:—

(a) five officials nominated by the Government of whom one shall be the Commissioner and three shall be officers not below the rank of Joint Secretary to Government, representing the Labour, Law and Finance Departments;

(b) Five persons representing land owners, nominated by the Government.

(c) five persons representing agricultural workers, nominated by the Government.

(2) The term of office of a member of the Board shall be three years commencing on the date on which his appointment is notified in the Gazette:

Provided that a member shall, notwithstanding the expiry of the said period of three years, continue to hold office until the appointment of his successor is notified in the Gazette.

(3) Notwithstanding anything contained in these rules, the Government may remove from office any member other than an official member, if in their opinion such member has ceased to represent the interests which he purports to represent in the Board or if the Government are satisfied that any such member has acted against the implementation of the Act or these rules or the scheme or against the due discharge of the functions of the Board.

(4) the Government may remove any official member from office without assigning any reason.

(5) A member appointed to fill a casual vacancy shall hold office for the remaining period of the term office of the member in whose place he is appointed.

(6) Any member may resign his office by letter in writing addressed to the Government and his office shall fall vacant from the date on which his resignation is accepted by the Government.

(7) If a non-official member fails to attend three consecutive meetings of the Board without obtaining the permission of the Chairman, he shall cease to be a member:

Provided that the Government may restore him as member if they are satisfied that there were reasonable grounds for not attending the meetings.

(8) The Chairman or an official member shall not absent himself from any meeting of the Board without the permission of the Government.

6. *Disqualification for membership.*—(1) A person shall be disqualified for being appointed as, or for being a member of the Board:—

(a) if he is declared to be of unsound mind; or

(b) if he is an undischarged Insolvent; or

(c) if, before or after the commencement of the Act, he has been convicted for an offence involving moral turpitude or for any offence under the Kerala Agricultural Workers Act, 1974; or

(d) if he has acted against the implementation of the Act or these rules or the scheme or against the due discharge of the functions of the Board.

(2) If any question arises as to whether any person is disqualified under sub-rule (1), it shall be referred to the Government by the Agricultural Workers Provident Fund Commissioner and the decision of the Government on such question shall be final.

Rules under Section 12

7. *Appointment and powers of officers of Board.*—(1) The Government may appoint such officer as they deem fit to be the Agricultural Workers Provident Fund Commissioner, who shall be the Chief Executive Officer of the Board.

(2) The Government may also appoint as many Provident Fund Officers as they may consider necessary to assist the Commissioner.

(3) The Commissioner shall not undertake any work not connected with his office without the previous sanction of the Government.

(4) The Commissioner and the Provident Fund Officers shall be deemed to be public servants as defined in section 21 of the Indian Penal Code (Central Act 45 of 1960).

8. *Administrative and financial powers of Commissioner.*—(1) Subject to the provisions contained in the Act, these rules and the scheme, the Commissioner shall have the following functions and powers, namely:—

(a) to maintain a register of the members of the Fund;

(b) to receive all returns, forms and declarations provided under the Scheme;

(c) to call for information from and give directions to, workers and land owners for the purpose of the administration of the Scheme;

(d) to require production of registers, records, accounts or other documents necessary for the administration of the Scheme, from any person having custody of such registers, records, accounts or other documents;

(e) to receive moneys on behalf of the Fund and to effect recoveries;

(f) to maintain all accounts of the Fund;

(g) to execute contracts, deeds and other documents on behalf of the Board.

(h) to prepare and present the budget of the Board;

(i) to make budgetary re-appropriations subject to the provisions in the Scheme;

(j) to sanction and pay and withdrawals and advances subject to the provisions in the Scheme and to ensure that the recipients fulfil the conditions under which such advances are drawn;

(k) generally to exercise disciplinary powers over the staff working under him subject to the provisions of the Scheme.

(2) The Commissioner may, without reference to the Board, sanction expenditures on contingencies, supplies and services and purchases of articles required for administering the fund subject to the limits upto which he may be authorised to sanction expenditure on any single item from time to time by the Board with the approval of the Government.

(3) The Commissioner may also exercise such administrative and financial powers other than those specified in sub-rule(1) as may be delegated to him from time to time by the Board with the prior sanction of the Government,

(4) The Commissioner may delegate from time to time his administrative and financial powers to any officers under his control and superintendence to the extent authorised by the Board with the approval of the Government.

(5) A statement of any delegation under sub-rule (4) shall be placed before the next meeting of the Board for information.

9. *Secretary to the Board.*—(1) The Commissioner shall be the Secretary to the Board.

(2) The Secretary shall, with the approval of the Chairman issue notices to convene meetings of the Board and keep the records of minutes and shall take necessary steps for carrying out the decisions of the Board.

PART III

Rules under section 47(2)(a) and (b) read with section 20 and 23

10. *Application to Conciliation Officer and procedure of Conciliation Officer.*—(1) An application under sub-section (1) of section 20 shall be made in Form 1 in duplicate with as many additional copies as there are more land-owners than one and shall be presented to the Conciliation Officer either in person or by registered post acknowledgement due within sixty days from the day on which the wages or arrears of wages become due:

Provided that the Conciliation Officer may entertain an application received after the said period of sixty days if he satisfied that the applicant had sufficient reason for not presenting the application within that period.

(2) Where an application is presented in person, the Conciliation Officer shall give the applicant an acknowledgement of having received the same.

(3) As soon as an application referred to in sub-rule(1) is received by the Conciliation Officer, he shall serve upon the landowner and the applicant by post with certificate of posting a notice in Form 2 to appear before him on a specified date and time together with all relevant documents and witnesses, if any.

(4) The Conciliation Officer shall record a summary of the evidence of the parties during the hearing.

(5) If the landowner or his duly authorised representative fails to appear on the date and time without sufficient reason, the Conciliation Officer may proceed to hear and decide the application *ex-parte.*

(6) If the applicant fails to appear on the specified date, the Conciliation Officer may dismiss the application.

(7) Any order passed under sub-rule (5) or sub-rule (6) may be set aside and the case re-heard within fifteen days of the date of the said order if the landowner or his duly authorised representative or as the case may be, the applicant proves that he received the notice only on or after the date specified in the notice.

(8) Notice of the re-hearing shall be served on the opposite party in the manner provided in sub-rule(3).

11. *Appeal to Agricultural Tribunal and Procedure of Tribunal.*—(1) An appeal under section 23 shall be filed before the Agricultural Tribunal within thirty days from the date on which the order appealed against is passed

together with such number of additional copies of the appeal as there are respondents and copies of the order appealed against.

(2) As soon as an appeal under section 23 is received the Agricultural Tribunal shall send by post with certificate of posting a notice in Form 3 to the parties for appearance before the Tribunal.

(3) The Agricultural Tribunal shall, after hearing the parties and perusing the relevant records, confirm, vary or set aside the order appealed against.

12. *Court fees on Applications and appeals.*—(1) An application referred to in rule 10 shall bear court fee stamps of the value of fifty paise.

(2) An appeal referred to in rule 11 shall be affixed with court fees stamps of the value of two rupees.

PART IV

Rules under section 47 (2) (a) read with section 22

SETTLEMENT OF AGRICULTURAL DISPUTES

13. *Parties to submit statements.*—The agricultural worker or any person representing him before the Conciliation Officer shall forward a statement of the demands to the conciliation officer with sufficient number of additional copies as there are opposite parties.

14. *Proceedings before Conciliation Officer.*—(1) The Conciliation Officer may hold meeting of the representatives of both the parties jointly or of each party separately.

(2) The Conciliation Officer may conduct the proceedings expeditiously and in such manner as he may deem fit and any settlement arrived at in the course of the proceedings shall be recorded in Form 4.

(3) The settlement shall be signed,—

(a) in the case of a landowner by the landowner or by a person authorised by him in writing in his behalf or an officer of an association of landowners of which such landowner is a member;

(b) in the case of an agricultural worker, by an official of a trade union of agricultural workers duly authorised in this behalf at a meeting of the agricultural workers held for the purpose, provided that in the case of an agricultural worker who is not a member of any union of agricultural workers, the settlement shall be signed by the worker or a person authorised by him in writing in this behalf.

Explanation.—In this rule, "Official", in relation to a trade union means any of the officers of the trade union.

(4) The Conciliation Officer shall file all settlements effected under the Act within his jurisdiction with an index containing particulars of the agricultural land, parties to the settlement and dates of settlement.

PART V

Rule under section 47 (2) (a) read with section 22 and 25

15. *Procedure of Agricultural Tribunal.*—(1) When an agricultural dispute is referred for adjudication to an Agricultural Tribunal under the Act, the District Collector or the Government, as the case may be, shall send to the Tribunal and to the parties concerned in the agricultural dispute, a copy of the order of reference.

(2) Immediately on receipt of the order of reference, the Agricultural Tribunal shall issue notice, by registered post, to the parties in Form 5, directing them to appear on the date and time specified therein and produce evidence, oral and documentary in support of their respective claims.

(3) Immediately on receipt of the copy of the order of reference for adjudication, the parties concerned in the dispute shall submit to the Agricultural Tribunal, statements, if any, in support of their claims with copies served on the opposite parties.

(4) The Agricultural Tribunal shall make a brief memorandum of the substance of the evidence of every witness and such memorandum shall be written and signed by the Agricultural Tribunal in its own hand and shall form part of the record.

(5) The sittings of the Agricultural Tribunal shall be held at such times and places as the Tribunal may fix after notice to the parties.

(6) The Agricultural Tribunal may accept, admit and call for evidence at any stage of the proceedings before it, in such manner as it may think fit.

(7) Any notice, summons, process or order may be served either personally or by registered post.

(8) Where there are numerous persons as parties to any proceedings before an Agricultural Tribunal and such persons are members of any trade union or association of land owners, the service of notice on any official of such trade union or association shall be deemed to be service on such persons.

(9) If without good cause shown, any party to the proceedings before an Agricultural Tribunals fails to attend or to be represented, the Tribunal may proceed to decide the dispute *ex parte*.

(10) The agricultural tribunal may, for sufficient cause, set aside, after notice to the opposite party, any *ex parte* decision made under sub-rule (9), either wholly or in part, on an application supported by an affidavit and made within one week of the decision.

(11) Clerical or arithmetical mistakes in the award or errors arising therein from any accidental slip or omission may at any time be corrected by the Agricultural Tribunal either of its own motion or on the application of any of the parties.

16. *Manner of publication of awards.*—The award shall be published in the office of the District Collector and in the office of the Agricultural Tribunal by affixure on the notice boards of those offices.

17. *Procedure of Government under section 25(1).*—If the Government are satisfied either on receipt of information from any officer of Government or otherwise that an agricultural dispute exists or is apprehended, they may refer the dispute to the concerned Agricultural Tribunal or proceed to decide the dispute themselves in accordance with the provisions of sub-rule (2).

(2) Where the Government proceed to decide an agricultural dispute themselves, the Government shall decide the dispute after giving the parties to the dispute an opportunity for being heard.

Explanation.—Opportunity to the parties to present their cases at a conference held for the purpose shall, for the purposes of this rule, be deemed to be an opportunity for being heard.

PART VI

Rule under section 47 (2) (e)

18. *Procedure as respects awards by Government.*—(1) Where any agricultural dispute is decided and an award is passed by the Government under section 25 (1) (b) of the Act, the rules in Part V shall, *mutatis mutandis*, be applicable.

(2) Every award passed by the Government may also be published in the office of the local authority of the area in which the agricultural land in question is situate.

PART VII

Rule under Section 47 (2) (d)

19. *Manner of estimating cash value of prescribed wages in kind.*—The average retail prices at the nearest markets published by the Bureau of Economics and Statistics for the period of three months immediately preceding the months for which the wages are to be estimated shall be taken into account in estimating the cash value of the prescribed wages in kind.

PART VIII

Rules under Section 35 and 36

MISCELLANEOUS

MAINTENANCE OF REGISTERS AND RECORDS

20. *Executive authority to prepare and maintain register.*—(1) Every agricultural worker residing within the jurisdiction of a local authority shall

present an application in Form 6 before the executive authority of that local authority for entering his name in the register referred in section 35.

(2) The executive authority shall prepare and maintain the register in Form 7.

Explanation.—In this rule and in rules 21 and 22, "executive authority" means the commissioner in the case of a city corporation or municipality and the executive officer in the case of a township or panchayat.

21. *Amendment of register.*—(1) The executive authority may add any entry in, or correct or omit any entry from the register referred to in rule 20 as and when necessary.

(2) Any agricultural worker whose name has not been included in the register or who becomes a resident within the jurisdiction of a local authority after the preparation of the register may apply to the executive authority of that local authority in Form 6 for inclusion of his name in the register.

(3) On receipt of an application under sub-rule (2), the executive authority shall, after such inquiry as it deems fit, either include his name in the register or reject the application and the decision of the executive authority shall be final.

22. *Revision of register.*—The executive authority shall revise the register once in three years.

23. *Maintenance of register by landowners.*—(1) Every landowner shall maintain at his residence or at such other place as may be specified by the Inspector, a register of employment and wages in Form 8 making entries from day to day.

(2) Every such register relating to any calendar year shall be preserved for a period of three years thereafter.

24. *Ascertainment of the age of agricultural workers.*—Where any doubt arises as to the correct age of any agricultural worker, the correct age shall be ascertained on the strength of an authentic extract from the records of a school or church or from the register maintained under the law relating to registrationof births and deaths and, in the absence of any of such records or register, on the strength of the certificate of a registered medical practitioner.

By order of the Governor,

U. MAHABALA RAO,

Secretary to Government.

FORM—1

[*See* Rule 10 (1)]

Application under Section 20 (1)

BEFORE THE CONCILIATION OFFICER APPOINTED UNDER THE AGRICULTURAL WORKERS ACT, 1974

Name(s) and address(s) of the Agricultural Worker(s) — Applicant(s)

Name(s) and address(s) of the landowner(s) — Opposite party/Parties

The applicant(s) above named state(s) as follows:—

(1) The applicant(s) has/have been employed from .... to ....
(here enter dates)
as ....in the
(here enter the category)
agricultural land belonging to the opposite party/parties which is an agricultural land within the meaning of, section 2 (d) of the Kerala Agricultural Workers Act, 1974.

(2) The opposite party/parties is/are the landowner(s) within the meaning of section 2(m), of the said Act.

(3) The prescribed wage payable to the applicant(s) for the above category of work is Rs..................... Ps......................per day for the period from ....to.......................... the total amount being
(here enter dates)
Rs...................................

The amount actually paid to the applicant(s) is Rs...............Ps.........
at Rs........................Ps.......................per day.

The balance amount payable is Rs...................Ps..............

(4) The applicant, therefore, prays that a direction be issued under sub-section (2) of section 20 of the Act for the payment of the abovesaid amount.

(5) The applicant(s) does/do solemnly declare that the facts stated in the application are true to the best of his/their knowledge, belief and information.

Station: *Signature or thumb impression of the applicant(s).*

Date:

Note:—In filling up this form, score off portions not applicable.

FORM—2

[*See* Rule 10 (3)]

Notice to the opposite party/parties to appear before the Conciliation Officer on an application under sub-section 20 (1)

Application No. . . . .

. . . .	Applicant(s)

Vs.

. . . .	Opposite party/parties

WHEREAS. . . . . .has made the
(here enter applicant's name)
above said application to me under the Kerala Agricultural Workers Act, 1974, you are hereby called upon to appear before me in person or by a duly authorised agent, able to answer all material questions relating to the application, or who shall be accompanied by some person able to answer all such questions, on the. . . . .
day of. . . . . .at . . . . A. M./P.M.
to answer the claim with all documents and witnesses, if any. Please take notice that in the event of your failure to appear before me on the appointed date and time, the application will be heard and determined in your absence.

Copy of the application is enclosed.

Date:

Signature of the Conciliation Officer.

FORM—3

[*See* Rule 11 (2)]

Notice to the respondents to appear before the Agricultural Tribunal on an appeal under Section 23

Appeal Petition No.

Appellant(s)

Respondent(s)

Take notice that an appeal of which a copy is enclosed against the decision of the Conciliation Officer for.. area, has been
(here enter name of the area)
presented by..
(here enter name of the appellant)
and taken on file by this Tribunal and that..
(here enter date and time)
has been fixed by the Tribunal for the hearing of the appeal.

If no appearance is made on your behalf by yourself, or by someone duly authorised to act for you in this appeal, it will be heard and decided in your absence.

Station:

Agricultural Tribunal

Date:

....
(Place)

FORM—4

[*See* Rule 14 (2)]

Form of Memorandum of settlement:

1. Names of parties:—

   (a) Representing Landowner/s

   (b) Representing Agricultural Worker

2. Short Recital of the Case

3. Term(s) of Settlement

Place:

Signature of Parties/Representatives.

Date:

Signature of Conciliation Officer

FORM—5

[*See* Rule 15(2)]

Notice for hearing of Parties to the dispute under adjudication

An agricultural dispute between ....and ....(here enter names of parties) has been referred to this Tribunal for adjudication under Section 22(4)/Section 25(1).

(Score off Section not applicable)

You are hereby called upon to appear before me in person or through a duly authorised person on....................................(here enter date and time) at.........
.... and produce evidence,
(here enter venue)
oral and documentary, in support of your case.

You are also hereby informed that you shall have filed written statement, if any, in support of your case, with copy served on the opposite party/parties before the aforesaid date.

In the event of your failure to appear on the aforesaid date or failure to file statemen before the aforesaid date, the case shall be proceeded within your absence/without your statement.

Station: *Agricultural Tribunal*

Dated: **Place**

FORM—6

[*See* Rule 20(1)]

Form of Application for inclusion in the Register of Agricultural Workers

Before the Executive Authority of ....
(here enter name of the local authority)

1. Name of Agricultural worker:
2. Age:
3. Father's/Husband's Name:
4. Address:
5. Name and address of the landowners in whose agricultural land the applicant is working:
6. Name of the local authority within whose jurisdiction the agricultural worker was working previously and the serial number of the agricultural worker in the register if his name was entered in the register:

Date: *Signature or thumb impression.*

FORM—7

[*See* Rule 20 (2)]

Register of Agricultural Workers

Name of local authority ....

Sl. No.	*Date of registration*	*Name of the Agricultural worker*	*Age on the date of registration*	*Father's name/ Husband's name*	*Address of the Agricultural worker*	*Name and address of the land-owner(s) in whose agricultural land(s), the agricultural worker works*
(1)	(2)	(3)	(4)	(5)	(6)	(7)

FORM—8

(*See* Rule 23)

Register of Employment

Name of Landowner:

Month.......... Year.......... Survey No.......... Name of Village...... Name of Panchayat/Municipality/Corporation

Sl. No.	Name of workers	Age	Provident Fund No.	Days on which work is done and extent of overtime on each day 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31	Total hours of overtime worked	Total wages payable before Provident Fund deduction	5% of total wages (workers contribution to P. F.)	Amount paid to worker (Col. 7—8).	Amount paid to P. F. (Twice the amount under Col. 8)	Particulars of remittance No. and date of draft and Name of bank to be shown	Signature or thumb impression of worker.
1	2	3	4	5	6	7	8	9	10	11	12
				Normal hours							
				Overtime hours							
				N.H.							
				O.H.							
				N.H.							
				O.H.							
				N.H.							
				O.H.							

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